

Federal Government and, at the same time, carefully limits those powers.

"We The People." These are not the opening words of a novel, but they are just as memorable as the best opening lines in literature. These solemn words form the opening line of our framework of our government, the Constitution.

This is not an accident. Our Founders and Framers made a conscious choice to open our sacred charter by calling to mind the source of all government powers, from local school boards to the deliberations of this Chamber: the people of our United States, as James Madison said, acting in their sovereign capacity. These are truths we must repeat often, so that we never forget them. The people in this framework are in control. To use the analogy of the sun, whatever promotes self-governance, spoken of in our Declaration of Independence, is sunshine. Whatever hinders the people in their right to govern their communities is darkness.

As the Federal Government has grown in size and scope, all too often bureaucrats prefer to live in the shadows of the bureaucracy. They forget that they are ultimately accountable to the people. Because of this, Congress has passed a series of laws requiring openness and accountability to citizens and taxpayers. Just like we need information from government agencies to decide how to cast many of our votes in Congress, so too do the American people need this information to fulfill their role, and to cast theirs.

This week is meant to draw attention to this need for openness, especially the Freedom of Information Act, which requires government Agencies to produce documents enlightening citizens as to what Agencies are doing. There is also the inherent constitutional power that Members of Congress have to conduct oversight and launch investigations.

Despite this framework of laws and the bedrock principles of our Constitution, Agencies day in and day out fight tooth and nail so they won't have to turn over records when people file Freedom of Information Act requests and even when Members of Congress make requests for information. The Freedom of Information Act is a key law for providing transparency in government. Exemptions that allow records to be withheld should only be used when necessary and not as an excuse to withhold potentially embarrassing information. Federal Agencies must also reverse the trend of ever-increasing FOIA backlogs.

For example, according to annual FOIA reports, the Department of Homeland Security saw its FOIA backlog double at the end of fiscal year 2022 from the previous fiscal year. They are not alone. The Justice Department, Defense Department, and State Department all saw increases in their FOIA backlogs from the prior year. Federal Agencies need to do better.

I continue to work for laws that strengthen the Freedom of Information

Act and other measures that will ensure the people's business is conducted in public, not in private. I am planning to reintroduce a bipartisan bill to ensure FOIA remains a useful public tool and to push back against recent case law that erodes greater transparency. This bill will restore pro-transparency principles and will make it crystal clear where Congress stands on the public's right to know what our government is doing.

To mark "Sunshine Week," I am also introducing the bipartisan Sunshine in the Courtroom Act, which would permit and encourage all Federal courts to welcome cameras into the courtroom. I am also cosponsoring, with Senator DURBIN, a companion bill which would require the U.S. Supreme Court to televise the arguments heard before them. I thank my Senate colleagues who are joining me as cosponsors on these important pieces of legislation.

I have supported the long overdue release of records on the assassination of President Kennedy. I support efforts and conduct oversight on a daily basis that bring information on our government's operation to the light of day. I have also long supported whistleblowers, who play a vital role in shining the light on waste, fraud, and abuse.

By reintroducing the SEC Whistleblower Reform Act, I am working to ensure whistleblowers who report possible violations of our Federal securities laws are fully protected, whether they take their concerns to the SEC or to someone in their company. My office has worked with whistleblowers and groups protecting their rights for decades. It is an essential part of our work. As Agencies all too often resist turning over the information we need to do our jobs, whistleblowers fill that gap with firsthand accounts of potential wrongdoing. To those whistleblowers: You are true patriots.

Corruption is a problem in our own government, but it is also a global problem. I support the rights of whistleblowers everywhere in their efforts to bring sunshine to corruption and aid people in their rightful quest to govern themselves.

Finally, I have been a long-time supporter of the False Claims Act. Since 1986, when I led the effort to update the False Claims Act, that law has helped the government recover \$72 billion in taxpayer money from fraud and likely saved billions more by deterring would be fraudsters. The False Claims Act is a tool by which we can—and must—hold fraudsters accountable.

That is why I also reintroduced the bipartisan Administrative False Claims Act again this Congress. That legislation raises the statutory ceiling on claims that can be handled with administrative procedures from \$150,000 to \$1 million, expands the number of Justice Department officials who can review these claims, and allows the government to recoup costs for inves-

tigating and prosecuting these frauds. The legislation makes pursuing fraudsters more efficient.

We need to take all possible steps to let the sunshine in. If we do, we will have a better and more accountable government that serves the people as it should.

#### NOMINATION OF ERIC M. GARCETTI

Mr. GRASSLEY. Mr. President, last Congress, I spoke of my strong opposition to the nomination of Eric Garcetti to be Ambassador to the Republic of India. I opposed the nomination due to the serious and credible allegations that he enabled sexual harassment and racism to run rampant in the Los Angeles mayor's office. When the nomination expired, I had hoped President Biden would recognize his egregious mistake, believe the victims, and change course.

President Biden failed to do so. Indefensibly, at the same time the Biden administration decries sexual harassment and racism, it has now twice nominated an individual to represent our country abroad who has enabled those very same disgusting acts. Accordingly, I continue to oppose Garcetti's nomination and ask this question: What will it take for the Biden administration to believe the victims? That same question should be posed to every Member in the Senate that is considering voting for him.

During my career, I have prioritized protecting victims of sexual harassment and abuse. In 2005, I cosponsored the Violence Against Women Act. That bill provides vital aid to the Justice Department's Office on Violence Against Women and to law enforcement to protect victims of sexual harassment and abuse. Last Congress, I cosponsored bills introduced by Senator GILLIBRAND to protect and defend victims of sexual harassment and sexual misconduct. I cosponsored resolutions introduced by Senator FEINSTEIN to raise awareness of sexual assault. These include the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, the Military Justice Improvement and Increasing Prevention Act of 2021, the Speak Out Act, the Campus Accountability and Safety Act, and a resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

This Congress, I have sent several bipartisan letters to the Department of Justice seeking information regarding sexual misconduct by Bureau of Prisons personnel and inmates against staff. With Senators DURBIN and PADILLA, I met with the Bureau of Prisons Director to further investigate sexual misconduct and discuss reforms to enhance prevention, reporting, investigation, prosecution, and discipline of these matters.

With respect to Mayor Garcetti, I have made clear to my colleagues and

the American people that credible whistleblowers approached my office about concerning allegations that he was aware of and enabled his deputy chief of staff, Rick Jacobs, to sexually harass several employees within the mayor's office. These men and women alleged that Rick Jacobs engaged in inappropriate and degrading physical contact without their consent. They alleged that Rick Jacobs made crude sexual remarks and gestures towards staff and others. They alleged that he made blatantly racist remarks towards Asians and other minorities.

These allegations have also been publicly reported by many news outlets. Text messages made public by the Los Angeles Times indicate that these incidents were common knowledge among Garcetti's staff. A now infamous picture shows Jacobs inappropriately touching an individual next to him. In the picture, Mayor Garcetti is standing on the other side of Jacobs.

Mayor Garcetti said under oath during his nomination that "I want to say unequivocally that I never witnessed, nor was it brought to my attention, the behavior that's been alleged, and I also want to assure you if it had been, I would have immediately taken action to stop that."

How can that statement be true when there is a photo with Jacobs inappropriately touching an individual next to Garcetti? How can that statement be true when text messages exist from his own staff discussing the toxic work environment within the mayor's office?

In total, my office identified over 19 individuals who have either witnessed Jacobs' behavior or were the victims of it. So who are these brave and courageous individuals who made these allegations? Are they Republican operatives? No. They are his former communications director, senior staffers, junior staffers, businessmen, civic leaders, and a Los Angeles Police Department officer assigned to protect him. This isn't a political hit job. This is a bipartisan endeavor to stop an inadequate nominee.

To defend himself, Mayor Garcetti has pointed to a report which inconceivably purports to clear Jacobs of any wrongdoing. The report was conducted by a law firm hired and paid for by the city of Los Angeles. Mayor Garcetti and the city of Los Angeles would be liable if the report concluded sexual harassment occurred. The report was also delivered to the city of Los Angeles under attorney-client privilege, apparently in the hope that no one outside the city would ever see it.

The report failed to interview multiple firsthand witnesses. The interviews weren't taken under penalty of perjury. The report focused exclusively on allegations of sexual harassment made by the Los Angeles Police Department officer and failed to give due weight to other witnesses. For example, the report includes an interview with Jacobs in which he admits to

using racist language, kissing, hugging, and squeezing people's shoulders. The report also identifies the individual in the lewd photo I mentioned earlier. The report says that the individual stated that Jacob's actions weren't funny and embarrassed that person. That makes it clear nonconsensual physical contact occurred. It is evidence that sexual harassment occurred. And it literally occurred right next to Mayor Garcetti.

The last time I spoke about this matter was right after President Biden signed the Speak Out Act into law. I cosponsored that bill, which Senator GILLIBRAND led. The law enables survivors to speak out about workplace sexual assault and harassment.

So, on the one hand, the Biden administration says it supports victims. Yet, on the other hand, the Biden administration supports a nominee who enables misconduct that creates more victims. The Biden administration's positions are irreconcilable. They are the very definition of tone deafness. The Biden administration and all those who support this nomination have sent a message that victims will only be believed when politically convenient. The Biden administration has no credibility when it comes to protecting victims of sexual harassment. To my Senate colleagues, do you support victims of sexual harassment and racism or a man who enabled it for years, leaving many victims in his wake? You can't support both.

Mayor Garcetti's own staff have spoken out to stop this nomination at a risk to their careers. One of them is Naomi Seligman, who was Mayor Garcetti's former communications director and one of the many whistleblowers who worked with my office regarding this nomination. She said that Garcetti's vote out of the Foreign Relations Committee "on International Women's Day no less, shows a real disconnect between the rhetoric we hear from elected leaders who claim to support victims of workplace sexual harassment and the pass they give to party loyalists in the next breath. It's disheartening to say the least."

I agree. Mayor Garcetti is incompatible with the office that he seeks. I, again, strongly encourage my colleagues—Democrats and Republicans alike—to review the evidence found in my investigative report, as well as in the press. Most importantly, listen to the victims. The facts and the evidence compel me to vote no, and my colleagues must join me in doing the same.

#### NOMINATION OF JOSHUA D. JACOBS

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request relating to the nomination of Joshua D. Jacobs, to be Under Secretary for Benefits at the Department of Veterans Affairs, PN195.

Mr. Jacobs, if confirmed, would lead the Veterans Benefits Administration

at VA. This VA component is at the heart of my many congressional oversight requests dating back 2 years, which the VA has failed to adequately respond to. The whistleblower allegations raised in my oversight inquiries that the VA Office of Inspector General—OIG—investigated have been vindicated, with the OIG issuing a report last year identifying potential conflicts of interest by the senior VA official at issue, Ms. Charmain Bogue. That official left Federal service and failed to cooperate further with OIG, as did the organization her husband worked for, Veterans Education Success, which had business before VA. This leaves questions open that VA has yet to resolve.

I raised other issues as well that the OIG did not investigate, but which VA needs to respond to. This includes allegations that VA failed to protect sensitive and confidential information about publicly traded companies. The OIG decided that this was more properly investigated by the Securities and Exchange Commission, but to my knowledge, they have not investigated the matter either. It falls upon VA to provide transparency on the issue.

I have also raised questions regarding FOIA records that show a senior VA official, Mr. Thomas Murphy, admitting to firing the person he suspected of being a whistleblower to my office in 2021. VA has not adequately responded to this apparently egregious violation of whistleblower-protections laws. I have raised serious additional questions as to what knowledge VA officials had of the underlying conflicts of interest at issue in my inquiry, how those conflicts were allowed to exist, why VA obstructed my investigation, and like issues.

To date, VA has failed to provide a full and complete response to any of the five oversight letters I have sent to them since April 2021. And today, I am sending two more, to the VA and OIG, raising allegations whistleblowers have brought to my office concerning potential contract irregularities and illustrating the VA's failure to answer the many outstanding questions I have raised in the past. There are at least 27 outstanding requests and questions raised in these letters that VA has inadequately addressed and, in many instances, not addressed at all. In instances where they have provided records, those have been heavily redacted with citations to FOIA exemptions, even though FOIA does not apply to Congress. In some instances, I have even had to rely upon third-party FOIA productions to provide information. It was only through a FOIA production, for example, that I learned that VA had begun drafting a response to me soon after my initial oversight letter, but never sent it. Instead, VA waited nearly 9 months to respond and even then declined to answer any of my questions other than requests for records, which it heavily redacted, and many of which it withheld in full. In